Remarks

This document is in response to the Written Opinion of the International Searching Authority mailed April 15, 2005. By operation of law, the Written Opinion of the International Searching Authority is the written opinion of the International Preliminary Examining Authority in this particular case.

This document is also an amendment under Article 34 of the PCT and Rule 66.4 bis of the Regulations under the PCT. This document makes two amendments to claim 1:

The spelling of "Turing" is being corrected on line 2 of claim 1.

The words "by said instructions being executed" are being added after the words "enabling access" on line 12 of claim 1, to clarify the entity that is being granted access to the requested portion of the storage.

Applicants also hereby amend the new Abstract that was introduced by the ISA as part of its International Search Report mailed April 15, 2005. In said new Abstract, inclusion of the first instance of the number "(225)" added by the ISA after the words "data processing operations" on line 3 is incorrect. Therefore, Applicants hereby delete said first occurrence of "(225)". Additionally, Applicants are hereby correcting the spelling of the word "title's" that appeared on line 3 of said new Abstract. These two amendments appear in the substituted page 124 appearing as part of the appendix hereto.

Box No. IV "Lack of unity of invention" paragraph 1. of the Written Opinion states that Applicants have paid additional fees, and yet the Written Opinion is directed to just claims 1-4 and 11. The IPEA is hereby requested to reissue a Written Opinion covering the remaining claims in the application, and is further requested to cover all of the claims in the application in its upcoming International Preliminary Examination Report.

The IPEA is requested to use the correct name and address of the first named Applicant, Cryptography Research, Inc. Said correct information appears on the Notification of the Recording of a Change issued by the IB on October 11, 2004. The IPEA is also

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requested to use the correct name and address of the agent of record, Edward J. Radlo. Said correct information appears on another Notification of the Recording of a Change issued by the IB on October 11, 2004. Copies of both of these Notifications are enclosed herewith.

The following remarks are directed to Box No. V, paragraph 2. of the Written Opinion.

In the second subparagraph, the ISA refers to claim 4 of <u>Schneck,</u> while it presumably meant to refer to claim 1. <u>Schneck</u> discloses a system that includes access rules that define terms under which users are permitted to access data. These rules are declarative statements, as shown in Table 1 in column 11. While <u>Schneck</u> states that the embodiment of the system shown in Figure 1 can be implemented purely in software (column 28 lines 28-30), the rules themselves are not executable.

With respect to claim 1, <u>Schneck</u> does not disclose the interpreter recited in claim 1, much less the Turing-complete interpreter expressly recited in claim 1. A Turing-complete interpreter is an interpreter that executes a Turing-complete language, which is defined in Applicants' specification at page 10 lines 13-15 as follows: "This execution environment preferably provides a Turing-complete language (one that can execute any algorithm, subject to the player's memory, user interface, and performance limitations)."

Applicants further define a Turing-complete interpreter at page 11 line 31 through page 12 line 7 as follows:

"Using interpreter 215, processor 210 begins performing the data processing operations specified by the loaded media portion. Interpreter 215 provides a set of predetermined data processing operations from which more complex tasks can be accomplished. The interpreted language is preferably *Turing-Complete*. Turing-Complete programming languages are characterized in that algorithms implementable in one such language can be implemented in any other, and the implementations will have similar asymptotic performance characteristics. Examples of Turing Complete programming

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languages include without limitation C, C++, BASIC, Fortran, Pascal, Java, and virtually all assembly languages."

With respect to clause (a) of claim 1, Schneck discloses obtaining and verifying usage rules for package data, but does not suggest the step of receiving a request from said instructions being executed, as is recited in claim 1, clause (a). Table 1 of Schneck cited by the Examiner contains policies (rules) for regulating requests, but is not a request or part of a request.

Schneck does not disclose the storage recited in claim 1 clause (a) nor the plurality of additional executable instructions recited in claim 1 clause (a).

With respect to claim 1 clause (b), Schneck discloses an authentication hash that covers the rule table file, but Schneck does not apply his hash function to executable instructions as required by claim 1 clause (b).

With respect to claim 1 clause (d), Schneck does not disclose the executable instructions recited therein, inasmuch as Schneck does not disclose executing instructions at all.

With respect to claim 2, Schneck does not suggest the step of comparing a hash value with a hash value stored in a nonvolatile storage as recited in claim 2. The passage of Schneck at column 20 lines 30-35 cited by the ISA is not even remotely relevant.

With respect to claim 3, Schneck does not disclose a digital signature that emanates from the instructions being executed, as required by claim 3.

With respect to claim 4, the ISA has admitted that Schneck does not disclose the use of a pointer to executable instructions. Indeed, it would be impossible for Schneck to disclose the use of a pointer to executable instructions, since Schneck does not disclose executable instructions. Claim 4 makes a distinction between the instructions being executed initially and additional executable instructions. Even if Schneck's rule table could be construed as a set of executable instructions, an interpretation Applicants vehemently

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disagree with, <u>Schneck</u>'s rule table makes no distinction between original executable instructions and additional executable instructions.

With respect to claim 11, clause (a) recites "receiving a reference to said portion of software." Figure 3 of <u>Schneck</u> cited by the ISA is a table of fields in a policy (rule) definition, and is not software.
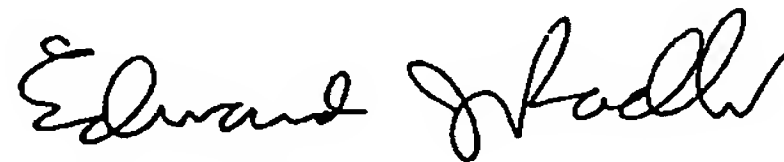
Arguments made above with respect to claim 1 clauses (b) and (d) are hereby made with respect to claim 11 clauses (b) through (e), <u>mutatis mutandis</u>.

In view of the above remarks, it is submitted that the present claims exhibit novelty and inventive step over the prior art, and are therefore patentable.

Respectfully submitted,

date of signature:
July 12, 2005

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